

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

Case No.: 18-46721-nhl

Yan Kravchenko,

Chapter 13

Debtor.

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**NOTICE OF MOTION**

PLEASE TAKE NOTICE that a motion has been made by Lester & Associates, P.C., counsel to the above-captioned debtor, the date, time and relief sought is set forth below.

RETURN DATE:

August 19, 2020

AND TIME:

11:30 AM

JUDGE:

Hon. Nancy Hershey Lord

COURTROOM:

271-C Cadman Plaza East, Courtroom 3577  
Brooklyn, NY 11201-1800

RELIEF SOUGHT:

Motion seeking to Expunge  
Proof of Claim No. 10.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, must be filed with the Clerk of the United States Bankruptcy Court and must be served upon Lester & Associates, P.C. as attorney for the debtor at least seven (7) days prior to the return date of this motion.

Dated: July 7, 2020

Garden City, New York

LESTER & ASSOCIATES, P.C.

/s/ Seung Woo Lee

By: Seung Woo Lee, Esq.  
600 Old Country Road, Suite 229  
Garden City, New York 11530  
(516) 357-9191  
slee@rlesterlaw.com

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

Case No.: 18-46721-nhl

Yan Kravchenko,

Chapter 13

Debtor.

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**DEBTOR'S OBJECTION PURSUANT TO 11 U.S.C. § 502 AND FED. R.  
BANKR. P. §§ 3001 & 3007 TO CLAIM NO. 10 FILED BY U.S. DEPARTMENT OF  
EDUCATION**

**TO: THE HONORABLE NANCY HERSHEY LORD  
UNITED STATES BANKRUPTCY JUDGE**

The debtor, Yan Kravchenko (the “**Debtor**”), in the above-captioned bankruptcy case (the “**Bankruptcy Case**”), by and through his undersigned counsel, Lester & Associates, P.C., hereby submits this objection (the “**Objection**”), pursuant to 11 U.S.C. § 101, et seq. (the “**Code**”) and 11 U.S.C. §502 and Rules 3001 and 3007 of the Federal Rules of Bankruptcy Procedure (the “**Rules**”), to Proof of Claim No. 10 (“**Claim No. 10**”) filed by U.S. Department of Education (“**USDE**”). In support thereof, the Debtor respectfully represents as follows:

1. The Debtor commenced the Bankruptcy Case by filing a voluntary petition (the “**Petition**”) for protection under Chapter 13 of the Bankruptcy Code in the Eastern District of New York on November 21, 2018 (the “**Petition Date**”).

2. Marianne DeRosa was the appointed Chapter 13 trustee (the “**Trustee**”) in the Bankruptcy Case.

3. On May 9, 2019, USDE filed Claim No. 10 in the total sum of \$53,936.83 for debt arising from a “Student Loan Debt,” which was docketed in the claims register for this Bankruptcy Case as Claim No. 10. A copy of Claim No. 10 is attached hereto as Exhibit “A”.

4. On November 19, 2019, Debtor filed his second amended plan (the “**Plan**”) proposing under Part 9 of the Plan that the Debtor would directly remit monthly payment in the

amount of \$350.00 to USDE and that Claim No. 10 shall not receive distribution from the Trustee. A copy of the Plan is attached hereto as Exhibit “B”.

5. However, the Trustee advised the Debtor’s counsel that the Plan cannot be confirmed since the Plan does not provide for payment of the full amount of Claim No. 10 even though the Plan proposes that the Debtor would directly remit monthly payment in the amount of \$350.00 to USDE<sup>1</sup>.

6. In order to resolve the above issue, Debtor’s counsel contacted USDE and requested it to amend its claim including any pre-petition arrears and a correct amount of monthly payment so the Debtor can propose a feasible plan which also cures the pre-petition arrears owed to USDE.

7. Educational Credit Management Corporation<sup>2</sup> (“ECMC”) advised in a letter dated June 29, 2020 (the “**Letter**”) that USDE is currently holding the Debtor’s account in a suspended status, and (unless directed to do so by the bankruptcy plan), the Debtor is “not required to make payments on his federal student loan debt(s) until after the conclusion of the bankruptcy.” A copy of the Letter is attached hereto as Exhibit “C”.

8. According to the Letter, the Debtor is not required to make payment on Claim No. 10 and the Debtor intends to start remitting payments to USDE after the conclusion of his Bankruptcy Case.

9. Therefore, based on the above, the Claim No. 10 should be expunged from the claims register in this Bankruptcy Case.

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<sup>1</sup> This Court should note that USDE has not filed any objection to confirmation of the Plan.

<sup>2</sup> Upon information and belief, ECMC is a specialized guarantor that has been designated by USDE to provide services and oversight during active bankruptcies.

WHEREFORE, the Debtor respectfully requests that this Honorable Court enter an Order expunging Claim No. 10 in its entirety, and for any such other and further relief as this Honorable Court deems just and proper under the circumstances.

Dated: July 7, 2020  
Garden City, New York

Lester & Associates, P.C.

/s/ Seung Woo Lee

By: Seung Woo Lee, Esq.

*Counsel for the Debtor*

600 Old Country Road, Suite 229

Garden City, New York 11530

(516) 357-9191

## **EXHIBIT “A”**

**Fill in this information to identify the case:**

Debtor 1 Yan Kravchenko  
 Debtor 2 \_\_\_\_\_  
 (Spouse, if filing)  
 United States Bankruptcy Court Eastern District of New York  
 Case number: 18-46721

FILED

U.S. Bankruptcy Court  
Eastern District of New York

5/9/2019

Robert A. Gavin, Clerk

## Official Form 410

### Proof of Claim

04/19

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

**Part 1: Identify the Claim**

<b>1. Who is the current creditor?</b>	<u>U.S. Department of Education</u> Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor _____	
<b>2. Has this claim been acquired from someone else?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
<b>3. Where should notices and payments to the creditor be sent?</b>  Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	<b>Where should notices to the creditor be sent?</b> <u>U.S. Department of Education</u> Name PO Box 16448 St. Paul, MN 55116-0448  Contact phone <u>8883634562</u> Contact email <u>EDbankruptcy@ecmc.org</u>  Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	<b>Where should payments to the creditor be sent? (if different)</b> <u>U.S. Department of Education</u> Name National Payment Center PO Box 790336 St. Louis, MO 63179-0336  Contact phone _____ Contact email _____
<b>4. Does this claim amend one already filed?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ <div style="text-align: right;">MM / DD / YYYY</div>	
<b>5. Do you know if anyone else has filed a proof of claim for this claim?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

<b>6. Do you have any number you use to identify the debtor?</b>	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: <u>5598</u>
<b>7. How much is the claim?</b>	\$ <u>53936.83</u> <div style="float: right; text-align: right;"> <b>Does this amount include interest or other charges?</b>  <input type="checkbox"/> No  <input checked="" type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).       </div>
<b>8. What is the basis of the claim?</b>	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as healthcare information.  <u>Student Loan Debt</u>
<b>9. Is all or part of the claim secured?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property. <b>Nature of property:</b> <input type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____  <b>Basis for perfection:</b> _____  Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)  <b>Value of property:</b> \$ _____  <b>Amount of the claim that is secured:</b> \$ _____  <b>Amount of the claim that is unsecured:</b> \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)  <b>Amount necessary to cure any default as of the date of the petition:</b> \$ _____  <b>Annual Interest Rate</b> (when case was filed) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable
<b>10. Is this claim based on a lease?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. <b>Amount necessary to cure any default as of the date of the petition.</b> \$ _____
<b>11. Is this claim subject to a right of setoff?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____

<b>12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. <i>Check all that apply:</i>	<div style="text-align: right;"><b>Amount entitled to priority</b></div> <p>A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.</p> <p><input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). \$ _____</p> <p><input type="checkbox"/> Up to \$3,025* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7). \$ _____</p> <p><input type="checkbox"/> Wages, salaries, or commissions (up to \$13,650*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4). \$ _____</p> <p><input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8). \$ _____</p> <p><input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5). \$ _____</p> <p><input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)(_) that applies \$ _____</p> <p style="font-size: small;">* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.</p>
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### Part 3: Sign Below

**The person completing this proof of claim must sign and date it. FRBP 9011(b).**

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

**A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157 and 3571.**

Check the appropriate box:

- ☐ I am the creditor.
- ☒ I am the creditor's attorney or authorized agent.
- ☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- ☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this Proof of Claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this Proof of Claim and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 5/9/2019  
MM / DD / YYYY

/s/ Pa H Thao  
Signature

Print the name of the person who is completing and signing this claim:

Name	<u>Pa H Thao</u>		
	First name	Middle name	Last name
Title	<u>Operations Specialist</u>		
Company	<u>ECMC</u>		
Address	Identify the corporate servicer as the company if the authorized agent is a servicer		
	<u>PO Box 16448</u>		
	Number Street		
	<u>St. Paul, MN 55116-0448</u>		
Contact phone	<u>8883634562</u>	Email	<u>EDbankruptcy@ecmc.org</u>





# ITEMIZED STATEMENT OF ACCOUNT

**Yan Kravchenko**

**xxx-xx- 5598**

**18-46721**

The following is an itemized statement in support of the proof of claim amount filed on behalf of  
Borrower Services-Collections of the U.S. Department of Education for the above-referenced debtor:

Debt ID	Interest Rate	Principal	Interest	Admin Fees	TOTAL
38262048	6.21%	\$22,703.94	\$3,145.79	\$0.00	\$25,849.73
38262053	5.41%	\$23,277.36	\$2,809.74	\$0.00	\$26,087.10

**TOTAL \$51,936.83**

Payments should be sent to the following address:

U.S. Department of Education  
National Payment Center  
PO Box 790336  
St. Louis, MO 63179-0336


/s/ Pa H Thao

Operations Specialist

5/9/2019

Contact Phone: (888) 363-4562

Number: <b>1028561872</b> Name: <b>KRAVCHENKO, YAN</b> SSN: <b>[REDACTED] 5598</b>	Overview	User Defined	Images (1)
	<b>Work Action</b> Work Queue: DfltWkgrp - Default workgroup		

 Balance Calculation Tool

### Historical and Future Balance Calculation Tool

Review the balance results.

Borrower Effective Balance: \$61,243.91

Effective Date: 11/26/2018

Debt Balances    Financial Bucket Balances

Debt Number	Debt Type	Debt Type Leg...	Placement Date	Financial Bucket	Balance	Daily Interest(e...
> 38262048	DLO - Direct Lo...		10/11/2017		\$30,482.00	\$3.86
> 38262053	DLO - Direct Lo...		10/11/2017		\$30,761.91	\$3.45

## **EXHIBIT “B”**

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

IN RE:

Yan Kravchenko

DEBTOR(S).

CHAPTER 13

CASE NO.: 1-18-46721

**CHAPTER 13 PLAN**☒ Check this box if this is an amended plan. List below the sections of the plan which have been changed:**Section 2.1 - Amended to correct debtor's plan payment based on filed claims****Section 3.2 - Amended to correct the amount of 1st mortgage arrears based on filed claim****Section 3.4 - Amended to remove language as to student loan****Section 9.1 - Amended to include language as to student loan****PART 1: NOTICES**

**To Debtors:** This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstance or that it is permissible in your judicial district. Plans that do not comply with the local rules for the Eastern District of New York may not be confirmable. If you do not have an attorney, you may wish to consult one.

**To Creditors:** Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. You should read this plan carefully and discuss it with your attorney. If you do not have an attorney, you may wish to consult one. If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation; unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you may need to file a timely proof of claim in order to be paid under any plan.

**1.1:** The following matters may be of particular importance. Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both or neither boxes are checked, the provision will be ineffective if set out later in the plan.

a.	A limit on the amount of a secured claim, set out in Section 3.4, which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
b.	Avoidance of a judicial lien or nonpossessory, non-purchase-money security interest, set out in Section 3.6	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
c.	Nonstandard provisions, set out in Part 9.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included

**1.2:** The following matters are for informational purposes.

a.	The debtor(s) is seeking to modify a mortgage secured by the debtor(s)'s principal residence, set out in Section 3.3	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
b.	Unsecured Creditors, set out in Part 5, will receive 100% distribution of their timely filed claim	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included

**PART 2: PLAN PAYMENTS AND LENGTH OF PLAN**

**2.1:** The post-petition earnings of the debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall pay to the Trustee for a period of 60 months as follows:

\$ 1,243.35 per month commencing December 2018 through and including October 2019 for a period of 11 months.  
\$ 477.97 per month commencing November 2019 through and including November 2023 for a period of 49 months.

**2.2:** Income tax refunds.

If general unsecured creditors are paid less than 100%, in addition to the regular monthly payments, during the pendency of this case, the Debtor(s) will provide the Trustee with signed copies of filed federal and state tax returns for each year commencing with the tax year 2018, no later than April 15th of the year following the tax period.

Debtor Yan KravchenkoCase number 1-18-46721**2.3: Additional payments.***Check one.*☒ **None.** If "None" is checked, the rest of § 2.3 need not be completed or reproduced.**PART 3: TREATMENT OF SECURED CLAIMS****3.1.: Maintenance of payments (including the debtor(s)'s principal residence).***Check one.*☐ **None.** If "None" is checked, the rest of § 3.1 need not be completed.☒ Debtor(s) will maintain the current contractual installment payments on the secured claims listed below, with any changes required by the applicable contract and noticed in conformity with any applicable rules. These payments will be disbursed directly by the debtor(s).

Name of Creditor	Last 4 Digits of Account Number	Principal Residence (check box)	Description of Collateral	Current Installment Payment (Including escrow)
2020 Ave V Apartment Corp	it3F	<input checked="" type="checkbox"/>	2020 Avenue V 3F, Brooklyn, NY 11229	\$1,017.93
Emigrant Mortgage Co. Inc	7770	<input checked="" type="checkbox"/>	Kings County Co-Op 9 Shares of Stock in 2020 Avenue V Apartment Corp. (Co-Op Building) 9 shares	\$735.85

*Insert additional claims as needed.***3.2 Cure of default (including the debtor(s)'s principal residence).***Check one.*☐ **None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.☒ Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated below. Unless otherwise ordered by the court, the amounts listed on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below. In the absence of a contrary timely filed proof of claim, the amounts listed below are controlling.

Name of Creditor	Last 4 Digits of Acct No.	Principal Residence (check box)	Description of Collateral	Amount Arrearage	Interest Rate
2020 Ave V Apartment Corp	it3F	<input checked="" type="checkbox"/>	2020 Avenue V 3F, Brooklyn, NY 11229 Kings County Co-Op	\$3,037.35	0.00%
Emigrant Mortgage Co. Inc	7770	<input checked="" type="checkbox"/>	9 Shares of Stock in 2020 Avenue V Apartment Corp. (Co-Op Building) 9 shares	\$28,409.88	0.00%

*Insert additional claims as needed.***3.3: Modification of a mortgage secured by the debtor(s)'s principal residence.***Check one*

☒ The debtor(s) is not seeking to modify a mortgage secured by the debtor's principal residence.

☐ The debtor(s) is seeking to modify a mortgage secured by the debtor(s)'s principal residence.

*Complete paragraph below.*☐ If applicable, the debtor(s) will be requesting loss mitigation pursuant to General Order #582.

Debtor Yan KravchenkoCase number 1-18-46721

The mortgage due to \_\_\_\_\_ (creditor name) on the property known as \_\_\_\_\_ under account number ending \_\_\_\_\_ (last four digits of account number) is in default. All arrears, including all past due payments, late charges, escrow deficiency, legal fees and other expenses due to the mortgagee totaling \$\_\_\_\_\_, may be capitalized pursuant to a loan modification. The new principal balance, including capitalized arrears will be \$\_\_\_\_\_, and will be paid at \_\_\_\_\_% interest amortized over \_\_\_\_\_ years with an estimated monthly payment of \$\_\_\_\_\_ including interest and escrow of \$\_\_\_\_\_. The estimated monthly payment shall be paid directly to the trustee while loss mitigation is pending and until such time as the debtor(s) has commenced payment under a trial loan modification. Contemporaneous with the commencement of a trial loan modification, the debtor(s) will amend the Chapter 13 Plan and Schedule J to reflect the terms of the trial agreement, including the direct payment to the secured creditor going forward by the debtor(s).

**3.4: Request for valuation of security, payment of fully secured claims, and modification of under-secured claims.***Check one.***None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.**The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.**

The debtor(s) shall file a motion to determine the value of the secured claims listed below. Such claim shall be paid pursuant to order of the court upon determination of such motion.

Name of Creditor	Last 4 Digits of Acct No.	Description of Collateral	Value of Collateral	Total Amount of Claim	Estimated Amount of Creditor's Secured Claim	Estimated Amount of Creditor's Unsecured Claim
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Insert additional claims as needed.

**3.5: Secured claims on personal property excluded from 11 U.S.C. §506.***Check one.***None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.**3.6: Lien avoidance.***Check one.***None.** If "None" is checked, the rest of § 3.6 need not be completed or reproduced.**3.7: Surrender of collateral.***Check one.***None.** If "None" is checked, the rest of § 3.7 need not be completed or reproduced.**PART 4: TREATMENT OF FEES AND PRIORITY CLAIMS****4.1: General.**

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in §4.5, will be paid in full without post-petition interest.

**4.2: Trustee's fees.**

Trustee's fees are governed by statute and may change during the course of the case.

**4.3: Attorney's fees.**The balance of the fees owed to the attorney for the debtor(s) is **\$1500.00**.**4.4 Priority claims other than attorney's fees and those treated in § 4.5.***Check one.***None.** If "None" is checked, the rest of § 4.4 need not be completed.

The debtor(s) intend to pay the following priority claims through the plan:

Name of Creditor	Estimated Claim Amount
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**NYS Dept of Tax & Finance****\$1,357.67**

Debtor Yan KravchenkoCase number 1-18-46721**4.5 Domestic support obligations.**

Check one.



None. If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

**PART 5: TREATMENT OF NONPRIORITY UNSECURED CLAIMS**

Allowed nonpriority unsecured claims will be paid pro rata:



Not less than the sum of \$ \_\_\_\_\_

Not less than 100.00 % of the total amount of these claims.

From the funds remaining after disbursement have been made to all other creditors provided for in this plan.

If more than one option is checked, the option providing the largest payment will be effective.

**PART 6: EXECUTORY CONTRACTS AND UNEXPIRED LEASES****6.1: The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected.**

Check one.



None. If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

**PART 7: VESTING OF PROPERTY OF THE ESTATE**

Unless otherwise provided in the Order of Confirmation, property of the estate will vest in the debtor(s) upon completion of the plan.

**PART 8: POST-PETITION OBLIGATIONS****8.1:** Post-petition mortgage payments, vehicle payments, real estate taxes, and domestic support obligations are to be made directly by the debtor(s) unless otherwise provided for in the plan**8.2:** Throughout the term of this Plan, the debtor(s) will not incur post-petition debt over \$2,500.00 without written consent of the Trustee or by order of the Court.**PART 9: NONSTANDARD PLAN PROVISIONS****9.1:** Check "None" or list nonstandard plan provisions.

None. If "None" is checked, the rest of Part 9.1 need not be completed.

Debtor will maintain the current contractual installment payments on the claim listed below, with any changes required by the applicable contract and noticed in conformity with any applicable rules. These payments will be disbursed directly by the debtor.

Creditor: US Dept of Education (POC #10), Last 4 Digits of Acct # 5598, Student Loan, Monthly installment payment: \$350.00  
POC #10 shall not receive distribution from the Trustee.**PART 10: CERTIFICATION AND SIGNATURE(S):****10.1:** I/we do hereby certify that this plan does not contain any nonstandard provisions other than those set out in the final paragraph.

X

/s/ Yan Kravchenko

X

Yan Kravchenko

Signature of Debtor 1

\_\_\_\_\_  
Signature of Debtor 2Executed on November 19, 2019

Executed on \_\_\_\_\_

Debtor Yan Kravchenko

Case number 1-18-46721

X /s/ Roy J. Lester, Esq. RJL  
Roy J. Lester, Esq. RJL 9118  
Signature of Attorney for Debtor(s)  
Dated: November 19, 2019



## **EXHIBIT “C”**



June 29, 2020

Roy J Lester Attorney at Law  
Attn: Krista  
600 OLD COUNTRY RD RM 229  
GARDEN CITY, NY 11530-2011

RE: KRAVCHENKO, YAN  
BORROWER NUMBER: [REDACTED] 1872  
BANKRUPTCY CASE#: 18-46721

Dear Krista:

The purpose of this letter is to introduce you to Educational Credit Management Corporation (ECMC) and to provide you with the information you requested concerning Yan Kravchenko's student loan account held by the U.S. Department of Education (ED). ECMC is a specialized guarantor that has been designated by ED to provide services and oversight during active bankruptcies. As a result, Yan Kravchenko may receive correspondence or communication directly from ECMC.

ED is currently holding Yan Kravchenko's account in a *suspended status*, and—unless directed to do so by the bankruptcy plan— Yan Kravchenko is not required to make payments on his federal student loan debt(s) until after the conclusion of the bankruptcy.

If you have further questions, you may contact our Bankruptcy department at **888-363-4562**.

Sincerely,

*Briana Moore*

Briana Moore  
Bankruptcy Operations Specialist  
Bankruptcy Department

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X

In re:

Case No.: 18-46721-nhl

Yan Kravchenko,

Chapter 13

Debtor.

-----X

**ORDER EXPUNGING PROOF OF CLAIM NO. 10 FILED BY U.S. DEPARTMENT OF  
EDUCATION**

A Motion having been made by the Debtor, Yan Kravchenko, by his attorneys, Lester & Associates, P.C., seeking to disallow proof of claim No. 10 in the amount of \$53,936.83 filed by U.S. Department of Education.

**NOW**, upon review of the motion papers, no opposition being filed, a hearing having been held August 19, 2020, at which Lester and Associates, P.C. appeared for the Debtor and no one having appeared in opposition, and upon a finding that just cause exists to disallow the above proofs of claim, it is

**ORDERED**, that proof of claim No. 10 in the amount of \$53,936.83 filed by U.S. Department of Education is hereby expunged from the claims register in its entirety, **WITH PREJUDICE**.

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X

In Re:

Yan Kravchenko,

Debtor.

-----X

Case No. 18-46721-nhl

Chapter 13

**CERTIFICATE OF SERVICE**

I, Seung Woo Lee, an attorney duly admitted to practice law in the State of New York certify under the penalty of perjury that:

That on the 7th day of July, 2020, I served a copy of **NOTICE OF MOTION TO DISALLOW AND EXPUNGE PROOF OF CLAIM NO. 10 AND APPLICATION WITH PROPOSED ORDER** by depositing a true copy thereof in an official depository of the United States Postal Service contained in a securely closed post-paid envelope directed to the following person by First Class Mail at the address designated below which is the last known address of the addressee and enclosed in an envelope containing name and return address of the party effecting service to:

*See attached service list*

/s/ Seung Woo Lee \_\_\_\_\_  
Seung Woo Lee, Esq.

**Service List**

U.S. Department of Education  
PO Box 16448  
St. Paul, MN 55116-0448

Educational Credit Management Corporation  
PO Box 64909  
St. Paul, MN 55164-0909

Marianne DeRosa, Trustee  
100 Jericho Quadrangle  
Suite 127  
Jericho, NY 11753

Office of the United States Trustee  
U.S. Federal Office Building  
201 Varick Street, Suite 1006  
New York, NY 10014

AMERICAN EXPRESS  
C/O Zwicker & Associates, P.C.  
P.O Box 9043  
Andover, MA 01810-1041

STAGG, TERENCE, CONFUSIONE & WABNIK, LLP  
Attn: Cara M. Goldstein, Esq.  
401 Franklin Avenue – Suite 300  
Garden City, New York 11530